

REMARKS

Claims 43 and 46-50 are canceled, claim 44 is amended, and claims 44 and 45 are pending in the application.

Claims 44 and 45 stand rejected as being unpatentable over Pricer. Applicant disagrees and requests reconsideration.

Referring first to claim 44, such recites a pair of adjacent stacked capacitors having a minimum lateral spacing from one another which is less than a minimum capable photolithographic feature dimension with which the capacitors are fabricated. The Examiner acknowledges that the cited reference of Pricer does not disclose the claim 44 recited pair of capacitors spaced from one another by a minimum distance which is less than the minimum photolithographic feature dimension with which the capacitors are fabricated. However, the Examiner contends that such feature would be obvious in light of the disclosure of Pricer. Specifically, the Examiner contends that it would be obvious to duplicate a capacitor disclosed by Pricer to form the claim 44 recited structure. Applicant disagrees. Pricer contains no disclosure or suggestion of methodologies for forming capacitors which are separated by a distance less than a photolithographic feature dimension.

The Examiner contends that Pricer discloses a method of forming a capacitor having a stem with a minimum width less than a minimum photolithographic feature dimension, and that from such teaching it would be obvious to form capacitors separated by a width of less than

1 a minimum photolithographic feature dimension. The Examiner is  
2 mistaken. The capacitor structures disclosed by Pricer are trench  
3 structures. There is no teaching in Pricer of a methodology which would  
4 enable a person to control the exact distance between a pair of trench  
5 capacitor structures to obtain a distance between the structures which is  
6 less than a minimum photolithographic feature dimension. For at least  
7 this reason, claim 44 is allowable over the Examiner's cited references.  
8 Applicant therefore requests allowance of claim 44 in the Examiner's  
9 next Action.

10 Referring next to claim 45, such claim depends from claim 44 and  
11 is therefore allowable for the reasons discussed above regarding claim 44,  
12 as well as for its own recited features which are neither shown nor  
13 suggested by the cited art. Claim 45 is therefore allowable for at least  
14 the reasons discussed above regarding claim 44.

15 For the above-discussed reasons, claims 44-45 are allowable.  
16 Applicant therefore requests formal allowance of claims 44 and 45 in the  
17 Examiner's next action.

18 Respectfully submitted,

19  
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By: 

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